

AMENDED IN SENATE JULY 1, 2008
AMENDED IN ASSEMBLY MAY 23, 2008
AMENDED IN ASSEMBLY APRIL 10, 2008
AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 3010

Introduced by Assembly Member Blakeslee
(Coauthors: Assembly Members Caballero, Emmerson, Garcia,
Hayashi, Horton, Maze, Sharon Runner, and Strickland)

February 22, 2008

An act to add Section 4138 to the Welfare and Institutions Code, relating to state mental hospitals.

LEGISLATIVE COUNSEL'S DIGEST

AB 3010, as amended, Blakeslee. State mental hospitals: tobacco products.

Existing law provides for state mental hospitals for the treatment of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of Mental Health which makes regulations regarding the conduct and management of these facilities.

This bill would authorize the Director of Mental Health, *upon the request of the director of a specified state hospital*, to ~~adopt regulations for any of these hospitals that would~~ prohibit the possession or use of tobacco products by patients of state hospitals, *or any other person*, on hospital grounds, *except on the premises of residential staff housing where patients are not present* and ~~would require that these regulations include an exemption for departmentally approved religious ceremonies.~~

~~The bill would additionally authorize the adoption of regulations by the director that would prohibit tobacco use by nonpatients on hospital grounds, except on the premises of residential staff housing where patients are not present.~~

This bill would require the Director of Mental Health to create an implementation plan for any state hospital where smoking is prohibited. The implementation plan would be required to include a phase-in period, an exemption for any departmentally approved religious ceremonies, and specified smoking cessation programs for requesting patients.

Existing law permits the Director of Mental Health to designate space on the grounds of a state hospital as a store or canteen for the sale of candies, cigarettes, sundries, and other articles.

This bill would prohibit the sale of tobacco products in a store or canteen at a hospital ~~subject to the prohibition authorized by the bill of~~ *patient where an implementation plan is adopted to prohibit tobacco use or possession.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4138 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 4138. (a) ~~The director may promulgate regulations—Upon~~
- 4 *receiving a request from the director of a state hospital listed in*
- 5 *Section 4100, the Director of Mental Health may prohibit the*
- 6 *possession or use of tobacco products on the grounds of the*
- 7 *requesting facility. The Director of Mental Health shall provide*
- 8 *an implementation plan that shall include a phase-in period for*
- 9 *any of the state hospitals listed in Section 4100 that—do either or*
- 10 *both of the following:*
- 11 ~~(1) Prohibit prohibits~~ the possession or use of tobacco products
- 12 ~~by patients or any other persons on hospital grounds. These~~
- 13 ~~regulations, except on the premises of residential staff housing~~
- 14 ~~where patients are not present.~~
- 15 *(b) This prohibition shall include an exemption for*
- 16 *departmentally approved religious ceremonies. As part of this*
- 17 *prohibition, the department is encouraged to pursue tobacco*
- 18 *cessation strategies.*

1 ~~(2) Prohibit the use of tobacco products by any person not~~
2 ~~included in paragraph (1) on hospital grounds, except on the~~
3 ~~premises of residential staff housing where patients are not present.~~

4 *(c) As part of the implementation plan, the department shall*
5 *provide any requesting patient with a smoking cessation plan that*
6 *may include, at minimum, an individual medical treatment plan,*
7 *counseling, prescription drugs, or nicotine replacement, as*
8 *determined to be medically necessary and appropriate.*

9 *(d) Nothing in this section shall be construed to restrict the*
10 *outside activity time currently available to hospital patients.*

11 ~~(b) If regulations are~~

12 *(e) If an implementation plan is adopted pursuant to paragraph*
13 ~~(1) of subdivision (a), the store or canteen at any facility subject~~
14 *to the prohibition shall not sell tobacco products.*